

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD APRIL 21, 1998 AT 11:00 A.M. IN WARRENTON, VIRGINIA.

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.
Paul S. McCulla, County Attorney

LORD FAIRFAX COMMUNITY COLLEGE SITE VISIT

The Board of Supervisors and various County and Lord Fairfax Community College staff members attended a work session to view the construction progress of the new college campus.

REBOUND SITE VISIT (PATTON FARM)

The Board of Supervisors and various County staff members attended an on-site work session to view the location of the proposed Rebound Youth Camp in Midland, Virginia.

REBOUND WORK SESSION

A work session was held to discuss and answer questions regarding the proposed Rebound Youth Camp in Midland, Virginia.

WATERFIELD WORK SESSION

A work session was held to discuss the proposed Waterfield Subdivision.

EXECUTIVE SESSION

Mr. Burton moved to go into Executive Session pursuant to Virginia Code Section 2.1-344(A) (3) for discussion or consideration of the acquisition of real property for public purpose; and Virginia Code Section 2.1-344(A) (7) for consultation with legal counsel and briefings by staff members or attorneys pertaining to actual or probable litigation requiring the provision of legal advice by counsel. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from Executive Session, Mr. Burton moved to adopt the following certification. Mr. Weeks seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 21st day of April 1998, That the Fauquier County Board of

Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ADOPTION OF AGENDA

Pursuant to Section 4-10 of the Fauquier County Board of Supervisors 1998 Bylaws and Rules of Procedure, Mr. Weeks moved that Section 5-1 and Section 5-2 be suspended to permit amending the published agenda to include the following resolutions for discussion and action: (1) A Resolution Of Intent To Amend The Fauquier County Zoning Ordinance Section 3-407 Maximum Lot Coverage; and (2) A Resolution Of Intent To Amend The Fauquier County Zoning Ordinance Section 10-102, Nonconforming Uses Which May Be Continued And Enlarged. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Mr. Burton moved to adopt the amended agenda. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

CITIZENS TIME

Suzanne Scheer spoke regarding the Auburn Dam project and requested County staff and the Board of Supervisors provide various information as allowed through the Freedom of Information Act.

Sally Murray spoke regarding the Virginia Civil War Trails project. She indicated that Civil War Trail markers are being placed throughout the County. Additionally, she noted that the largest number of Civil War Trail markers being placed are right here in Fauquier County. Mrs. Murray reminded the Board and staff members that Governor Gilmore is expected at the Virginia Civil War Trails Dedication on May 8, 1998, and requested that as many representatives as possible attend the function.

CONSENT AGENDA

Mr. Green moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Approval of Minutes of the April 7, 1998 Regular Meeting

Preliminary Subdivision Application for the Haworth Subdivision, Cedar Run Magisterial District

No action was taken.

Preliminary Subdivision Application for the Sprinkle Subdivision, Scott Magisterial District

No action was taken.

A Resolution to Authorize Filling Vacant County Funded Positions

RESOLUTION

A RESOLUTION TO AUTHORIZE FILLING OF CERTIFICATION SPECIALIST POSITION

WHEREAS, on October 21, 1997, the Board of Supervisors approved a hiring freeze for all County funded positions, in an effort to create a dollar savings impact on FY98 and FY99 budgets; and

WHEREAS, the Board of Supervisors established a process for filling critical positions by requesting departments to present proper justification and budget implications to the Personnel Committee and the Finance Committee prior to approval of the Board of Supervisors; and

WHEREAS, the County Administrator, or designee, has reviewed the vacant position and made the appropriate recommendations; and

WHEREAS, the established process was followed with favorable recommendations from both committees for the listed position:

Certification Specialist - Personnel

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That this vacancy is approved for filling; and, be it

RESOLVED FURTHER, That the effective date of this approval be April 21, 1998.

A Resolution to Recognize And Commend The Outstanding Contributions Of Senior Citizen Volunteers For Service Provided To The Fauquier Community Over A Period Of Many Years

RESOLUTION

A RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING

CONTRIBUTIONS OF SENIOR CITIZEN VOLUNTEERS FOR SERVICE PROVIDED
TO THE FAUQUIER COMMUNITY OVER A PERIOD OF MANY YEARS

WHEREAS, April 19 to 25, 1998 is National Volunteer Week; and

WHEREAS, the selfless and dedicated support of Volunteers is essential to the daily operation of many public and non-profit community service and assistance organizations in Fauquier County; and

WHEREAS, the service and assistance provided by senior Volunteers over a long period of time has contributed greatly to the health, education, welfare and comfort of countless individuals and families; and

WHEREAS, the senior Volunteers in Fauquier County continue to be an inspiration and example for all to follow; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That the following individuals be commended for their long and outstanding Volunteer contributions to this community and its residents.

Virginia T. Allison	Viola F. Latham	Annie R. Rogers
Ethel Bailey	Alice M. Mann	Alyce G. Russell
Hazel Bell	Grace Miller	Dorothy V. Rust
Ruth H. Brittle	Ann C. Nelson	Refa M. Ryan
Florence Mabel Cooper	Blanche C. O'Connell	Anne Brooke Smith
Mary E. Culver	Mary H. O'Shaughnessy	Lawrence W. Sudduth
Everett Danley	Andrew C. Parrish	Nina P. Thorpe
Addie V. Desantis	Lewis A. Payne	Helen Warren
F. Byrd Greene	Luther R. Payne	Barbara E. Waterman
Isabelle H. Hilleary	Alice Pullen	Elsie C. Woodzell
DeNeise Johnson	Mattie Rector	John Zirnheld

Authorization To Terminate Existing Lease With RDA, Inc., Effective May 1, 1998

RESOLUTION

A RESOLUTION TO AUTHORIZE THE TERMINATION OF THE EXISTING LEASE
WITH RDA, INC. EFFECTIVE MAY 1, 1998

WHEREAS, RDA, Inc. currently leases office space from Fauquier County at the County's Human Services Building located at 320 Hospital Hill; and

WHEREAS, the County has formally notified RDA, Inc. that its current lease, which expires June 30, 1998, will not be renewed so as to make public office space available for the first phase of the consolidation of the County and Schools information resources functions; and

WHEREAS, RDA, Inc. has requested that the Board of Supervisors consider allowing RDA, Inc. to terminate its lease with Fauquier County effective May 1, 1998; and

WHEREAS, the early termination of the lease with RDA, Inc. will help expedite the first phase of the information resources consolidation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That the Fauquier County Board of Supervisors does hereby authorize the

termination of the existing lease with RDA, Inc. effective May 1, 1998.

AMENDMENT OF APPLICATION TO THE NATIONAL PARK SERVICE FOR
RECREATIONAL FACILITIES AT VINT HILL

Mr. Weeks moved to postpone action on this item indefinitely. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

AMENDMENT TO THE FAUQUIER COUNTY COMPREHENSIVE PLAN AND
ZONING MAP TO CONSIDER THE REDESIGNATION AND REZONING OF THE
LENA M. LEACH PROPERTY LOCATED IN THE MARSHALL DISTRICT

Mr. Green moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

RESOLUTION OF INTENT TO CONSIDER AMENDING THE COMPREHENSIVE
PLAN TO ALLOW REDESIGNATION OF PROPERTY IN THE MARSHALL
MAGISTERIAL DISTRICT AND TO CONSIDER REZONING THIS 2.9 ACRE PARCEL
FROM RURAL RESIDENTIAL (RR-2) TO RESIDENTIAL (R-1)

WHEREAS, Lena M. Leach, Owner, has requested the Board of Supervisors to initiate an amendment to the Zoning Map on property owned by Lena M. Leach herein identified as PIN #6982-23-3226; and

WHEREAS, the Board of Supervisors is agreeable to initiate the amendment provided that for all other purposes this application shall be treated as an application instituted by the landowner; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April, 1998, That the Board of Supervisors initiates, without making any comment on the appropriations of the amendment to consider, an amendment to the Comprehensive Plan to designate the property identified by PIN #6982-23-3226 and rezone from Rural Residential (RR-2) to Residential (R-1) zoning district; and, be it

RESOLVED FURTHER, That the Planning Commission determine whether the plan amendment and rezoning consideration needs to be expanded to include the surrounding properties in a Settlement designation, which would result in their inclusion in the rezoning to R-1; and, be it

RESOLVED FURTHER, That Lena M. Leach, owner of the property identified as PIN #6982-23-3226 submit the required land development application and fees for the Comprehensive Plan Amendment and Rezoning before this matter is forwarded to the Planning Commission; and, be it

RESOLVED FINALLY, That the Planning Commission is requested to advertise and hold a public hearing on this proposed Comprehensive Plan amendment and rezoning amendment and to submit its recommendations to the Board of Supervisors.

A RESOLUTION OF INTENT TO AMEND THE FAUQUIER COUNTY ZONING
ORDINANCE SECTION 3-407 MAXIMUM LOT COVERAGE

Mr. Rankin moved to adopt the following resolution. Mr. Weeks seconded, and the vote for motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

RESOLUTION OF INTENT TO AMEND
THE FAUQUIER COUNTY ZONING ORDINANCE
SECTION 3-407 MAXIMUM LOT COVERAGE

BE IT RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That the Fauquier County Board of Supervisors hereby states its intent to consider amending Section 3-407 of the Fauquier County Zoning Ordinance to change the maximum lot coverage from 30% to 50%; and, be it

RESOLVED FURTHER, That the Planning Commission is requested to hold a public hearing on the proposed amendment to the Zoning Ordinance and make its recommendation to the Board of Supervisors.

A RESOLUTION OF INTENT TO AMEND THE FAUQUIER COUNTY ZONING
ORDINANCE SECTION 10-102, NONCONFORMING USES WHICH MAY BE
CONTINUED AND ENLARGED

Mr. Weeks moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

RESOLUTION OF INTENT TO AMEND
THE FAUQUIER COUNTY ZONING ORDINANCE
SECTION 10-102, NONCONFORMING USES WHICH
MAY BE CONTINUED AND ENLARGED

BE IT RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That the Fauquier County Board of Supervisors hereby states its intent to

consider amending Section 10-102 of the Fauquier County Zoning Ordinance to delete the requirement that a nonconforming use may only be increased in area of land upon which the nonconforming use was located at the time the use became nonconforming; and, be it

RESOLVED FURTHER, That the Planning Commission is requested to hold a public hearing on the proposed amendment to the Zoning Ordinance and make its recommendation to the Board of Supervisors.

SUPERVISORS TIME

Mr. Burton distributed the Vision Statement for the Adult Education Ad Hoc Task Force for Board members to review. Mr. Burton and Mr. Green will keep Board members apprised of the Task Force's progress.

Mr. Green recognized Sally Murray and thanked her for her contributions on the Civil War Trail project.

Mr. Rankin indicated that he had spoken with a Shadow Lawn attendee and would like for other Board members to consider the formation of an Advisory Committee to Shadow Lawn.

Mr. Weeks commented on the Auburn Dam funding. He would like to see the costs associated with flood control versus costs associated with drinking water. He indicated a need to be able to separate the costs in the event that both costs are not affordable at the same time.

ANNOUNCEMENTS

G. Robert Lee, County Administrator, announced that information had just been received regarding an upcoming Regional Economic Development meeting to be held in Stafford, Virginia. Interested Board members should see him or Wanda Mercer.

FAUQUIER COUNTY CODE AMENDMENT - CHAPTER 9, ARTICLE V - OPEN BURNING

The County Attorney gave a brief overview of the amendment. A public hearing was held to consider a proposed amendment to Chapter 9, Article V of the Fauquier County Code adding Section 9-21.F exempting from the application of the open burning regulations certain enumerated agricultural and forestal practices. Mr. Frank Ott, Mr. Scott Seegers, and Ms. Tina Fox spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;

Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE AMENDING ARTICLE V, CHAPTER 9 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION 9-21.F PROVIDING AN EXEMPTION FOR OPEN BURNING RELATING TO AGRICULTURAL AND FORESTAL ACTIVITIES

WHEREAS, On March 4, 1997 the Board of Supervisors of Fauquier County adopted an ordinance adding Article V, entitled, "Open Burning" to Chapter 9 of the

Code of Fauquier County; and

WHEREAS, Article V, Chapter 9 of the Code of Fauquier County regulates open burning within the County; and

WHEREAS, the Board of Supervisors has, after due notice, held a public hearing to receive citizen comment on a proposed ordinance exempting from the application of Article V, Chapter 9 of the Code of Fauquier County open burning relating to certain enumerated agricultural and forestal practices; and

WHEREAS, after receiving citizen comment on the proposed ordinance the Board of Supervisors deems it in the best interest of the County of Fauquier to exempt from the application of the Open Burning Ordinance open burning relating to certain enumerated agricultural and forestal practices; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County, this 21st day of April 1998, That Sub-Section 9-21.F be, and is hereby, added to Article V, Chapter 9 of the Code of Fauquier County as follows:

Section 9-21. F. Open burning of brush, stumps, tree limbs, and other similar debris waste generated by on-site agricultural or forestal activities.

FAUQUIER COUNTY CODE AMENDMENT - SECTION 13-36 - HANDICAPPED PARKING

The County Attorney gave a brief summation of the amendment. A public hearing was held to consider a proposed amendment to Section 13-36 of the Fauquier County Code to add Section (c) relating to language required on handicapped parking signs. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE AMENDING SECTION 13-36 OF
THE CODE OF FAUQUIER COUNTY RELATING TO
HANDICAPPED PARKING BY ADDING SUBSECTION (C)
PRESCRIBING LANGUAGE ON HANDICAPPED PARKING SIGNS

WHEREAS, Section 36-99.11 of the Code of Virginia has been amended to require that all disabled parking signs include certain prescribed language; and

WHEREAS, Section 36-99.11 of the Code of Virginia requires such language to be added to all disabled parking signs on or before July 1, 1998; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors, this 21st day of April 1998, That Section 13-36 of the Code of Fauquier County be, and is hereby, amended to add Subsection (c) as follows:

(c) All handicapped parking signs shall include the following language:
PENALTY, \$100-500 Fine, TOW-AWAY-ZONE. Such language may be placed on a separate sign and attached below the existing above grade handicapped parking signs, provided that the bottom edge of the attached

sign is no lower than four feet above the parking surface.

TRANSFER AND DONATION OF REAL PROPERTY TO THE FAUQUIER FAMILY
SHELTER SERVICES, INC.

The County Attorney explained that the Code of Virginia requires that the Board of Supervisors hold a public hearing on the proposed transfer of land prior to its actual conveyance. A public hearing was held to consider ratifying and confirming a decision of the Fauquier County Board of Supervisors to transfer and donate real property of no more than one-half acre located on Keith Street to the Fauquier Family Shelter Services, Inc. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION RATIFYING AND CONFIRMING
DECISION OF THE FAUQUIER COUNTY BOARD
OF SUPERVISORS TO TRANSFER AND DONATE
REAL PROPERTY NOT TO EXCEED ONE-HALF ACRE
TO THE FAUQUIER FAMILY SHELTER SERVICES, INC.

WHEREAS, the Fauquier Family Shelter Services, Inc. has requested the Board of Supervisors consider donating and transferring real property not to exceed one-half acre for the purpose of constructing and operating a shelter for homeless families; and

WHEREAS, the Board of Supervisors, by previous resolution adopted the 3rd day of February 1998, determined to transfer and donate to Fauquier Family Shelter Services, Inc., not more than one-half acre of real property owned by the County and located on Keith Street in the Town of Warrenton; and

WHEREAS, Section 15.2-1800 of the Code of Virginia requires that a public hearing be held by the Board of Supervisors prior to the transference of any interest the County may have in real estate; and

WHEREAS, the Board of Supervisors, after holding the required public hearing and receiving citizen comment on the proposed transference, has determined that the conveyance is in the best interest of the citizens of this County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 21st day of April 1998, That the Board of Supervisors does hereby ratify and confirm its resolution adopted February 3, 1998, authorizing the transfer of no more than one-half acre of real property located on Keith Street to the Fauquier Family Shelter Services, Inc., upon the same terms and conditions contained in the aforesaid resolution.

SPECIAL EXCEPTION (#SE98-CR-02) - A. W. AND WILLIAM C. PATTON, OWNERS,
AND REBOUND PROGRAMS, LLC, APPLICANT

A public hearing was held to consider a special exception request from A. W. and William C. Patton, Owners, and Rebound Programs, LLC, Applicant, for approval under Category 11 of the Zoning Ordinance which would allow the operation of a Juvenile Direct Challenge Program (boot camp) in an RA zoning district. The applicant

is also requesting an alternative wastewater disposal system under Category 20 of the Zoning Ordinance. The property is located on the northeast side of Midland Road (Route 610), Cedar Run District, PIN #7819-66-3353-000. The following citizens spoke:

Ben Jones, Esquire, representing Rebound programs, LLC, spoke in favor of the special exception. Additionally, Randy Turner, Sargeant Mildred Reavis, Jackie Patton, Arthur Digges, William Armstrong, Ed Coleman, Frank Ott, Tom Zavinsky, Cindy Davis, Ben Gravett, Chuck Isner, Steven P. Samek, Tina Fox, and John Johnson spoke in favor of the special exception.

Lonnie Brooks, Robert Blue, Michael Starn (had petition signed by 800+ residents), Scott Seegers, Robert Flournoy, William E. Wright, Priscella Jenkins, Brenda Blue, Roy Yates, Gustavia Yates, Vernon Cloniger, Bernadette Cloniger, Linda Oliver, Adam Beslove, Tom Cooper, Michael S. Wallace, Judy Neville, Jamie Cooper, Charles Moss, Weldon R. Hamlett, and Carol Adam spoke in opposition of the special exception.

The public hearing was closed. Mr. Green moved that action be tabled until the May 5, 1998 meeting to allow staff time to research citizen comments made during the public hearing. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;
Mr. James A. Rankin; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

There being no further business, the meeting was adjourned.